

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Richard L. Saylor,

Plaintiff,

v.

Case No. 2:16-cv-882

Commissioner of
Social Security,

Defendant.

ORDER

This matter is before the court for consideration of the October 11, 2019, report and recommendation of the United States magistrate judge to whom this case was referred pursuant to 28 U.S.C. §636(b). The magistrate judge concluded that the administrative law judge erred in his consideration of the opinion of plaintiff's treating physician, Dr. Jack Butterfield.. The magistrate judge recommended that this case be remanded to the Commissioner pursuant to 42 U.S.C. §405(g), sentence four, for further review of Dr. Butterfield's opinion.

The report and recommendation specifically advised the parties that failure to object to the report and recommendation within fourteen days of the report "will result in a waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation." Doc. 35, p. 15. The time period for filing objections to the report and recommendation has expired, and no party has objected to the report and recommendation.

The court adopts the report and recommendation of the

magistrate judge (Doc. 35). The decision of the Commissioner is reversed, and this case is remanded to the Commissioner under §405, sentence four, for further administrative proceedings, as discussed in the report and recommendation. The clerk shall enter judgment remanding this case to the Commissioner.

Date: October 30, 2019

s/James L. Graham
James L. Graham
United States District Judge